

Nadler, Clinton Call for GAO Investigation into EPA's Post-9/11 Cleanup Efforts

Monday, 12 December 2005

WASHINGTON, D.C. – Senator Hillary Rodham Clinton and Congressman Jerrold Nadler today reiterated their call for the Government Accountability Office (GAO) to undertake an investigation into the EPA's failure to establish an effective, science-based testing and clean-up plan for testing and cleaning indoor air contamination following the September 11th attacks.

In a letter sent today to the GAO, Clinton and Nadler expressed their "serious concerns that EPA's response to September 11th has not adequately protected public health and environment," saying that "more than four years after the attacks of September 11, 2001, EPA's work to address the environmental health consequences of those attacks remains unfinished. We hoped that the Panel process would lead to answers for New Yorkers, but instead it has raised new questions that we believe that the GAO should investigate with urgency."

At a press conference last week, Clinton and Nadler joined with residents, workers and community advocates in calling on the EPA to revise its plan and announced that they would ask the U.S. General Accountability Office to investigate the EPA's failure to establish an effective, science-based testing and clean-up plan in response to the post-9/11 environmental disaster.

Twenty months ago, the U.S. Environmental Protection Agency (EPA) began working in conjunction with the World Trade Center Expert Technical Review Panel (WTC Panel) as well as community and labor representatives to develop a plan to determine the extent of remaining indoor contamination resulting from the collapse of the World Trade Center. Substantial progress was made, but in recent months, development of the plan drifted. During 2005, only two WTC Panel meetings were held since February, and the last meeting took place more than four months ago in July.

On November 29th, the EPA - ignoring input from its own panel members, residents, workers and the community - announced their plan to test and clean indoor air spaces following the collapse of the World Trade Center. Fundamentally, the plan fails to correct the major problems identified by EPA's Inspector General in 2003. For example, the plan does not include testing north of Canal Street or in Brooklyn, in spite of the Inspector General's conclusion that the cleanup boundaries were not scientifically developed. In addition, the plan ignores many of the recommendations made by the World Trade Center Expert Technical Review Panel over the last 20 months.

In addition to the GAO report, Clinton and Nadler are also calling on the EPA to put forward a revised plan incorporating a number of key principles that were not included in the EPA's final plan. These principles include but are not limited to:

- The plan should include residential, commercial, and work places in expanded geographic areas, including north of Canal Street and Brooklyn, which has been supported by EPA in previous drafts.
- The plan should offer clean up for exceedances of benchmarks that have been developed for Contaminants of Potential Concern (COPC) as an incentive for participation in the program.
- The plan should provide for the continued development of a viable WTC signature, taking into consideration the recommendations of the peer reviewers without using the signature as a basis for clean up.

The text of their letter follows.

December 13, 2005

The Honorable David M. Walker
Comptroller General of the United States
United States Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

We are writing to respectfully request that the Government Accountability Office (GAO) immediately conduct an investigation into the Environmental Protection Agency's (EPA) failure to establish an effective, science-based testing and clean-up plan in response to the environmental contamination resulting from the terrorist attacks of September 11, 2001 in New York.

In August 2003, the EPA Inspector General (IG) released a report entitled "EPA's Response to the World Trade Center Collapse: Challenges, Successes and Areas for Improvement." This IG Report was very critical of the response by EPA and the White House Council of Environmental Quality (CEQ) to the terrorist attack on New York City. The report made a number of recommendations to EPA, including how to correct flaws in the indoor cleanup program conducted by EPA in 2002-2003.

At the urging of Senator Clinton, the EPA and CEQ agreed to establish an independent panel to reexamine some of the problems identified by the IG. This "World Trade Center Expert Technical Review Panel", chaired by EPA and consisting of scientific experts as well as representatives from the community and labor groups, met regularly over a period of twenty months. During those meetings, the Panel made recommendations to the Agency about how to design a more scientifically sound testing and cleanup plan for indoor contamination resulting from the collapse of the World Trade Center. On November 29, 2005 the EPA released a final plan, which ignores many of the recommendations of the Panel, and instead would initiate a limited testing and cleanup program very similar to the 2002-2003 program that had been criticized by the IG. In addition, EPA announced its intention to prematurely dismantle the Panel.

The final EPA cleanup plan has serious flaws, and disregards recommendations of both the EPA IG and the Panel. In the plan, EPA abandoned commitments it had made to the Panel and the community to test in businesses and workspaces, and to test in expanded geographic areas exposed to World Trade Center debris, such as Brooklyn. In addition, the EPA plan stops any further work on developing a signature or other means of identifying World Trade Center dust, ignores "reservoirs" of contamination, and fails to adequately address building HVAC systems.

We have serious concerns that EPA's response to September 11th has not adequately protected public health and environment. Unfortunately, EPA's recent decision to dismantle the panel and initiate a flawed testing and clean-up program repeats a familiar pattern in which the Agency has sought to downplay the potential risks and convey false assurances regarding World Trade Center contamination, rather than developing a scientifically sound approach to assessing and reducing these risks.

Therefore, we respectfully request that the GAO initiate an investigation to answer the following questions:

- Has the Agency implemented the recommendations of the August, 2003 IG report? If not, why not?
- Which issues raised by the IG did the Panel consider, and what did the Panel recommend to address these issues?
- Which recommendations made by the Panel and/or the community groups has the EPA adopted in its plan, and what is EPA's rationale for adopting or rejecting these recommendations?
- The EPA IG found that the White House interfered with EPA's statements about air quality in the days following September 11, 2001. Is there evidence of any similar interference by Administration officials in the Panel process or the development of the current plan? Did Administration officials inject political considerations ahead of science or the recommendations of the Panel in the development of the plan?
- How was it determined that \$7 million was an appropriate amount for this testing and clean up program, and where did the figure originate? More than four years after the attacks of September 11, 2001, EPA's work to address the environmental health consequences of those attacks remains unfinished. We hoped that the Panel process would lead to answers for New Yorkers, but instead it has raised new questions that we believe that the GAO should investigate with urgency.

If you need any additional information, please feel free to contact us. We stand ready to work with you to answer any questions you may have.

Sincerely,

Hillary Rodham Clinton

United States Senator

Jerrold Nadler

Member of Congress

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